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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/267,223	03/11/1999	BRADLEY S. RICHTER	EFIM0205	6746

31408 7590 05/03/2006

LAW OFFICE OF JAMES TROSINO
92 NATOMA STREET, SUITE 211
SAN FRANCISCO, CA 94105

EXAMINER

GARCIA, GABRIEL I

ART UNIT PAPER NUMBER

2625

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/267,223

Applicant(s)

RICHTER ET AL.

Examiner

Gabriel I. Garcia

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/6/06.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Part III DETAILED ACTION

Double Patenting

1. The claims 1-8 and 10 are rejected under the judicially created doctrine of the obviousness type double patenting of the claims in applicant's prior United States Patent No. 6,678,068. Although the designs are not identical, they are not patentably distinct from each other because both the pending application and the United States Patent No. 6,678,068 claims are directed to the same invention. (e.g. claim 1 from the pending application teaches a printing system having a network, a client computer to a network, a plurality of printing devices, and filtering information relevant to the client computer, which features are described in claim 1 of the US Patent No. 6,678,068. The obviousness type double patenting rejection is a judicially established doctrine based on public policy, and is primarily intended to prevent prolongation of monopoly by prohibiting a claim in a second patent not patentably distinguishable from a claim in a first patent. A timely filed terminal disclaimer will obviate this rejection. (MPEP... § 1490) *In re Vogel*, 164 USPQ 619 (CCPA 1970).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-8 and 10 rejected under 35 U.S.C. 102(e) as being anticipated by Battat et al. (5,958,012)

With regard to claim 1, Battat et al teaches a printing system (e.g. fig. 1), comprising: a network (e.g. col. 4, lines 47-65); a client computer coupled to the network; a plurality of output printing devices coupled to the network (e.g. col. 4, lines 47-65), col. 17, lines 36-54, and col. 18, lines 66-67), each output printing coupled the network (110), each output printing device comprising status information (e.g. col. 1, lines 18-65 and col. 5, lines 27-39); an application connected to the network, the application adapted to receive the status information of all of the output printing devices, (e.g. col. 1, lines 48-67, col. 5, lines 27-39, and col. 6, lines 2-26), filtering the status information relevant to the client computer, and display the filtered status information (e.g. col. 6, lines 2-26).

With regard to claims 2 and/or 3, Battat et al teaches wherein the output printing device is a printer or copier (e.g. col. 18, lines 66-67).

With regard to claims 4 and 7, Battat et al_ inherently teaches wherein the at least one of the plurality of features is a paper output (or input) tray information (e.g. col. 3, lines 46-67, the service level or trouble reports can incorporate paper information).

With regard to claims 5 and 6, Battat et al_ inherently teaches wherein said at least one of said plurality of features is teaches wherein said output printing device is toner level information or fuser level information (e.g. col. 3, lines 46-67, the trouble reports can incorporate toner or fuser level information).

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With regard to claim 8, Battat et al inherently teaches wherein said at least one of said plurality of features is output printing device service information (e.g. col. 3, lines 46-67).

With regard to claim 10, Battat et al further comprises a client computer that comprises the application (e.g. col. 2, lines 28-53).

Conclusion

3. Applicant's arguments with respect to claims 1-8 and 10 have been considered but are moot in view of the new ground(s) of rejection necessitated by amendment..

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabriel I. Garcia whose telephone number is (571) 272-7434. The Examiner can normally be reached Monday-Thursday from 7:30 AM-6:00 PM. The central fax phone number for this group is (571)-273-8300.

CENTRALIZED DELIVERY POLICY: For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies. For example, if the examiner has rejected claims in a regular U.S. patent application, and the reply to the examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2600.

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A handwritten signature in black ink, appearing to read "Gabriel Garcia". The signature is fluid and cursive, with the first name "Gabriel" and last name "Garcia" clearly distinguishable.

Gabriel I. Garcia
Art Unit #2625
Primary Examiner
April 28, 2006